

DJF:DBS:cmg

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ANTHONY MAMMANA,</b>	:	<b>No. 4:17-CV-0645</b>
<b>Plaintiff</b>	:	
	:	<b>(Brann, D.J.)</b>
<b>v.</b>	:	
	:	<b>(Arbuckle, M.J.)</b>
<b>FEDERAL BUREAU OF</b>	:	
<b>PRISONS, ET AL.</b>	:	
<b>Defendants</b>	:	<b>Filed Electronically</b>

**MOTION TO DISMISS AND/OR, IN THE  
ALTERNATIVE, FOR SUMMARY JUDGMENT**

Defendants ask the Court to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b), and/or ask the Court to enter summary judgment in their favor pursuant to Fed. R. Civ. P. 56.

A brief in support of this motion will be filed in accordance with M.D. Pa.  
Local Rule 7.5.

Respectfully submitted,

DAVID J. FREED  
United States Attorney

Date: December 11, 2017

s/ Donald Simpson  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers. That on December 11, 2017, she served a copy of the attached

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via the Court's Electronic Case Filing System ("ECF") and that the Addressee(s) listed below are filing users under the ECF system. Upon the electronic filing of a pleading or other document, the ECF system will automatically generate and send a Notice of Electronic Filing to all filing users associated with this case. Electronic service by the Court of the Notice of Electronic Filing constitutes service of the filed document, and no additional service upon the filing user is required.

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s/ Cristina M. Guthrie  
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